

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

IN RE: REALPAGE, INC., RENTAL) Case No. 3:23-md-3071
SOFTWARE ANTITRUST LITIGATION) MDL No. 3071
(NO. II))
) JURY DEMAND
)
) Chief Judge Waverly D. Crenshaw, Jr.
)
) This Document Relates to:
) 3:23-cv-00330 3:23-cv-00380
) 3:23-cv-00331 3:23-cv-00979
) 3:23-cv-00332 3:23-cv-00381
) 3:23-cv-00326 3:23-cv-00387
) 3:23-cv-00333 3:23-cv-00388
) 3:23-cv-00334 3:23-cv-00389
) 3:23-cv-00335 3:23-cv-00390
) 3:23-cv-00336 3:23-cv-00391
) 3:23-cv-00337 3:23-cv-00410
) 3:23-cv-00338 3:23-cv-00411
) 3:23-cv-00339 3:23-cv-00419
) 3:23-cv-00344 3:23-cv-00413
) 3:23-cv-00345 3:23-cv-00412
) 3:23-cv-00356 3:23-cv-00414
) 3:23-cv-00357 3:23-cv-00416
) 3:23-cv-00358 3:23-cv-00415
) 3:23-cv-00377 3:23-cv-00440
) 3:23-cv-00378 3:23-cv-00445
) 3:23-cv-00379 3:23-cv-00552
) 3:22-cv-01082 3:23-cv-00742
)

DECLARATION OF TRICIA HERZFELD

I, Tricia R. Herzfeld, pursuant to 28 U.S.C. § 1746, declare that the following is true and correct to the best of my knowledge and belief:

1. I am a partner with the law firm of Herzfeld, Suetholz, Gastel, Leniski and Wall, PLLC, and serve as Plaintiffs' Liaison Counsel in this litigation.

2. I submit this declaration in support of Plaintiffs' Opposition to Defendants' Rule 12(b)(6) Motion to Dismiss LRO Claims for Failure to State a Claim.

3. In Plaintiffs' Second Amended Consolidated Class Action Complaint (Dkt. 530), Paragraph 223 Footnote 121 contains a hyperlink for the "Terms of Service for Rainmaker System Modules (Dec. 7, 2017), <https://www.realpage.com/rainmakermfh-terms/>. Attached as **Exhibit 1** hereto is a printout of the landing page for that hyperlink, which I last accessed on today's date, November 8, 2023.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 8th day of November 2023 in Nashville, Tennessee.



Tricia R. Herzfeld